

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

JOSEPH DAVID MCGOWAN,

Plaintiff

v.

ANDREW SAUL,  
COMMISSIONER OF THE  
SOCIAL SECURITY ADMINISTRATION<sup>1</sup>,

Defendant.

---

CIVIL ACTION

NO. 18-1704

**ORDER**

AND NOW, this 30th day of August, 2021, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (ECF No. 14); Defendant's Response to Request for Review of Plaintiff (ECF No. 19); Plaintiff's Memorandum Regarding Appointments Clause Issues (ECF No. 23); and Defendant's Response to the Court's November 13, 2020 Order (ECF No. 24); after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated January 28, 2021; and absent the parties' objection, **IT IS ORDERED** that:

1. the Report and Recommendation is **APPROVED** and **ADOPTED**;
2. the relief sought by Plaintiff is **GRANTED** in part as described below; and
3. the case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), and in accordance with the Report and Recommendation.

BY THE COURT:

/s/ Mitchell S. Goldberg  
MITCHELL S. GOLDBERG, J.

---

<sup>1</sup> Andrew M. Saul became the Commissioner of Social Security in June 2019. Pursuant to Fed. R. Civ. P. 25(d), he is automatically substituted as a party in place of Nancy A. Berryhill, who was Acting Commissioner from January 23, 2017 through June of 2019.